

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
WEDNESDAY- -MAY 3, 2006- -6:29 P.M.

Mayor Johnson convened the Special Meeting at 6:46 p.m. Councilmember Matarrese led the Pledge of Allegiance.

Roll Call - Present: Councilmembers deHaan, Gilmore, Matarrese and Mayor Johnson - 4.

Absent: Councilmember Daysog - 1.

Agenda Item

(06-246) Recommendation to reject the bid, adopt Amended Plans and Specifications in accordance with amended CalTrans requirements, and authorize second call for bids on an expedited basis for the Fernside Pedestrian Access Improvements near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15.

The Public Works Director gave a brief presentation explaining the project must be re-bid because CalTrans adopted a new Disadvantaged Business Enterprise (DBE) program.

Mayor Johnson stated that she is disappointed with what CalTrans has done; the City has been caught in the middle; going out to bid again costs the City and contractors; CalTrans should have given notice or a grace period; the City is stuck and has to re-bid; suggested the City Manager be directed to send a letter to CalTrans expressing the Council's thoughts and requesting consideration if there are similar changes in the future.

Councilmember Matarrese inquired whether CalTrans provided written authorization to go forward with the plans and specifications when the project went to bid.

The Public Works Director responded the City has an E76 which authorizes the City to bid; the fine print on the form allows CalTrans to make last minute changes.

Councilmember Matarrese requested staff to review whether the form requires CalTrans to notify the City of changes; stated the City should build a case and demand the [cost] difference; the bid numbers are now public; CalTrans is costing the City money; the City should be made whole if CalTrans is obligated to inform the City of changes; the City should present Cal Trans with a bill rather than expressing disappointment.

The Public Works Director stated the City's DBE consultant

indicated that approximately 100 cities are in the same position as the City of Alameda.

Mayor Johnson stated the requirements should not change for bids that have already gone out.

The Public Works Director stated staff tried to reason with CalTrans; an April 14 e-mail stated CalTrans was considering the [DBE program] change, but instructed the City not to use sample boiler plate language provided; CalTrans implied there would be a grace period; finding out about the change yesterday was a shock.

Councilmember Matarrese requested that the documentation be provided to the City Manager to start building the City's case.

Vice Mayor Gilmore stated there is nothing to prevent CalTrans from changing regulations again; the letter should explain the position the City was put in by CalTrans and put CalTrans on notice that the City would like accommodations and a grace period in the future.

Councilmember deHaan stated there could be costs involved with the delay in the project or a cost differential in bids; there is an unfair advantage.

Mayor Johnson stated contractors put together bids in good faith; CalTrans causing the City to reject bids is unfortunate for the City and the contractors.

Councilmember deHaan moved approval of the staff recommendation with the direction that the City go forward with a strong rebuttal.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

#### Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:58 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING  
WEDNESDAY- -MAY 3, 2006- -6:31 P.M.

Chair Johnson convened the Special Meeting at 7:25 p.m.

Roll Call - Present: Commissioners deHaan, Gilmore, Matarrese  
and Chair Johnson - 4.

Absent: Commissioner Daysog - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-017) Conference with Legal Counsel - Existing Litigation; Name  
of case: Community Improvement Commission v. Cocores Development  
Company.

Following the Closed Session, the Special Meeting was reconvened  
and Chair Johnson announced the Commission received a briefing  
regarding the existing litigation and gave direction to legal  
counsel.

Adjournment

There being no further business, Chair Johnson adjourned the  
Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown  
Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
WEDNESDAY- -MAY 3, 2006- -6:32 P.M.

Mayor Johnson convened the Special Meeting at 7:45 p.m.

Roll Call - Present: Councilmember deHaan, Gilmore, Matarrese  
and Mayor Johnson - 4.

Absent: Councilmember Daysog - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-247) Conference with Legal Counsel - Anticipated Litigation;  
Significant exposure to litigation pursuant to Subdivision (b) of  
Section 54956.9; Number of cases: One.

(06-248) Workers' Compensation Claim; Claimant: Yvette Stairrett;  
Agency Claimed Against: City of Alameda.

(06-249) Conference with Labor Negotiators; Agency Negotiators:  
Craig Jory and Human Resources Director; Employee Organizations:  
Alameda City Employees Association, International Brotherhood of  
Electrical Workers, and Management and Confidential Employees  
Association.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that regarding Conference with Legal  
Counsel, Council gave direction to Legal Counsel regarding  
disposition of the claim; regarding Workers' Compensation Claim,  
direction was given to the Risk Manager regarding the disposition  
of a claim; and regarding Conference with Labor Negotiators,  
Council received a briefing from its Labor Negotiator.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 9:50 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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Act.